

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPLICATION NO. 6071 OF 2005.
IN
CRIMINAL APPEAL NO. 867 OF 2005**

Shri Nitin Purushottam Redij.] .. Applicant
(Ori.Accused)

Versus

State of Maharashtra.] .. Respondent
(Ori.Complainant)

Mr.Shirish Gupte, senior counsel with Mr.Subodh Desai
for the applicant.

Mr.S.S. Pednekar, A.P.P., for the respondent-State.

**CORAM: S.S. PARKAR &
ANOOP V. MOHTA, JJ.**

DATED: 29TH SEPTEMBER, 2005

P.C. :

1. Heard.

2. This applicant-original accused No.1 has been convicted by virtue of Section 120(B) of the Indian Penal Code, being party to the conspiracy of murder of the deceased. Four appellants, who have also been convicted, were arrested immediately, but this accused was arrested after about four months on 30th August,

2002. Besides the charge of conspiracy, there is also evidence of recovery of weapons used by the assailants at the instance of this accused under Section 27 of the Evidence Act. Those weapons, as per the C.A. Report, were found stained with human blood. On behalf of the applicant it has been argued that when the applicant was arrested after about four months and the delayed recovery of the weapons used by the assailants, what credibility can be given to such recovery because if he would have known the place where they were hidden, he would have taken steps to remove or wash off the blood from the weapons. Anyway, without going into the merits of the case and in view of the fact that he is in custody for a period of 3 years, he can be released on bail.

3. The applicant is directed to be released on bail in the sum of Rs.30,000/- with one surety on condition that he shall report to the concerned Police Station, once in three months.

[S.S. PARKAR, J.]

[ANOOB V. MOHTA, J.]

[srpasha@hc]